C-F100-D

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION No. 1204 /2001

UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

PETITIONER :- Mahipal Prasad Sahu s/o Late K.C. Sahu aged 51 years occupation service Assistant Engineer, C.S.E.B., r/o Quarter No. N-C-59, C.S.E.B. Colony Korba East, District Korba Chhattisgarh.

Vs.

RESPONDENTS :- 1. Chhattisgarh State Electricity Board, through Chief Engineer B.R. Bilaspur Region, C.S.E.B. Office Tifra, Bilaspur Chhattisgarh.

Addl. Superintending Engineer (O/M), Division, C.S.E.B. Korba, District Korba Chhattisgarh.

P.R. No. 12491 Presented by Shri Ajay Dwivedi dated 15.12.2001

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक
W.P.No.1204/2001

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
2/8/2001	Shri Alok Bakshi, learned counsel for the petitioner. Shri R.S. Jaiswal, learned counsel for the respondents. Heard. O R D E R The order impugned is dated 12/7/2001 on the ground that the initial order of transfer issued on 9/7/2001 was to the effect that the petitioner would be posted as A.E at Ambikapur. By the sequent order in partial modification of the earlier order, issued on 12/7/01 the petitioner has been posted as A.E. at Pathalgaon. Mr. Alok Bakshi, learned counsel for the petitioner submits that there is no reason why within three days after the first order was issued on 9/7/2001 another order of transfer should have been issued by the Competent Authority. It is further submitted by Mr. Alok Bakshi that the petitioner is suffering from Pyrexia and Bleeding P/R. According to Mr. Bakshi, there are facilities at Korba for treatment of the aforesaid ailment. However, since Ambikapur is not so far from Korba, the petitioner is willing to go to Ambikapur as he was ordered to do so by the earlier order of 9/7/2001. However, it is submitted that since there is no facility for treament	

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of the aforesaid ailment at Pathalgaon, the petitioner submits that the subsequent impugned order issued on 12/7/2001 may be set-aside and a direction may be issued that the petitioner be posted at Ambikapur.

Mr.R.S. Jaiswal, learned counsel for the respondents submits that the petitioner has already served at Korba for about seven years. It is submitted that in exigency of service since the petitioner holds a transferable post, the order of transfer has been issued. As regards the modification in the order of transfer from Ambikapur to Pathalgaon, it is submitted by Mr. R.S.Jaiswal, learned counsel for the respondent that this modification cannot said to be malafide inasmuch as it is for the Competent Authority to make such modification order. It is further submitted that by transferring the petitioner from Korba to Pathalgaon, the status as regards the service of the writ petitioner is not effected and the petitioner cannot take particular grievance against the modified order of transfer.

I have perused the medical certificate issued by the Medical Officer, Korba. It appears that if treatment is necessary, the petitioner can certainly go to any place for such treatment. It is not that once he is posted at Pathalgaon he cannot be treated somewhereelse if facilities are not available at Pathalgaon. So far as question of transfer is concerned, unless it is shown that the order of transfer has been issued

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malafide or in contravention to certain statutory rules, this Court is not inclined to interfere with the normal order of transfer. I take the present order of tra-nsfer as a normal order of transfer in the exigency of service.

In the result, this petition is rejected. Let the writ petitioner comply with the order of transfer immediately. I hope that the Department shall not create any inconvenience to the writ petitioner as regards the period between the date of order of transfer and the date of joining. Mr. Jaiswal, learned counsel for the respondents submits that no difficulty will be faced by the writ petitioner in this regard.

Certified copy to both the parties.

Sd/-
Chief Justice

rsnr

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